

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

| | | |
|------------------------------|---|------------------------------------|
| BRUCE RANDALL MCBRYAR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 1:18-cv-00307-CHS |
| v. |) | |
| |) | |
| WACKER CHEMICAL CORPORATION |) | |
| and WACKER POLYSILICON NORTH |) | |
| AMERICA, LLC, |) | |
| |) | |
| Defendants. |) | |

DEFENDANTS' PRETRIAL DISCLOSURES

Defendants Wacker Chemical Corporation and Wacker Polysilicon North America, LLC, pursuant to the Court's First Amended Scheduling Order (Doc. 30) and Federal Rule of Civil Procedure 26(a)(3)(A)(ii)–(iii), submit the following pretrial disclosures:

A. The designation of those witnesses whose testimony is expected to be presented by means of a deposition, and if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.

Defendants do not expect to present any witness by means of a deposition.

B. An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

Defendants expect to introduce the following exhibits at trial:

1. Master Services Agreement, dated March 28, 2016 (WACKER00001785);

2. Viking Industrial, Inc. Respiratory Protection Program, undated (WACKER00000463);
3. WACKER Charleston Site Contractor Operations Area Training, dated July 2017 (WACKER00000194);
4. Hydrogen Chloride and Hydrochloric Acid Awareness Training, dated September 2017 (WACKER00002366; WACKER00002475);
5. WACKER Charleston Site Basic Site Orientation, dated September 2017 (WACKER00000243);
6. Demo B156 1st Floor Cooling Water & Refrigeration Piping Scope of Work, dated September 26, 2017 (WACKER00002248);
7. Viking Industrial, Inc. (“Viking”) Job Safety Analysis Worksheet, dated September 26, 2017 (WACKER00000694);
8. Respirator Fit Test Record and Medical Clearance form, dated September 28, 2017 (Viking production set);
9. Job Safety Analyses dated:
 - a. September 28, 2017 (WACKER00001916);
 - b. October 17, 2017 (WACKER00001904);
 - c. October 18, 2017 (WACKER00002995);
 - d. October 24, 2017 (WACKER00002278);
 - e. November 29, 2017 (WACKER00002309);
 - f. December 20, 2017 (WACKER00002315); and
 - g. February 9, 2018 (WACKER00002519);
10. Bruce R. McBryar Training Certificate, dated September 29, 2017 (WACKER00001784);
11. Gate log information for Bruce Randall McBryar, dated September 29, 2017, to February 27, 2018 (WACKER00001068; WACKER00004301; WACKER00004313; WACKER00004317);
12. Safe Work Permit, dated October 26, 2017 (WACKER00000544; WACKER00000549);
13. Incident Report for Matthew J. White, dated October 27, 2017 (WACKER00000546);

14. Viking Industrial, Inc. training record regarding Respirators, dated October 30, 2017 (WACKER00000526);
15. Incident Report for Dewayne Roberson, dated October 31, 2017 (WACKER00000527);
16. Plaintiff's interrogatory responses; and
17. Any and all documents needed for rebuttal or impeachment.

Defendants may introduce the following exhibits at trial if the need arises:

1. Medical records from Pulmonary Medicine Center of Chattanooga, dated September 27, 2018, to November 20, 2018 (Plaintiff's Bates No. 000328–41); and
2. Medical records from CHI Memorial Department of Thoracic Surgery, dated September 7, 2018, to November 6, 2018 (Plaintiff's Bates No. 000290–320).

Defendants reserve the right to amend, substitute, and/or supplement this exhibit list as necessary and if allowed by the Court.

Respectfully submitted,

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Attorneys for Defendants

Wacker Chemical Corporation and Wacker

Polysilicon North America, LLC

CERTIFICATE OF SERVICE

This document was served by FedEx and U.S. Mail to:

Bruce Randall McBryar
167 Grant Drive
Ringgold, GA 30736

This 16th day of June 2020.

MILLER & MARTIN PLLC

By: s/Jenna W. Fullerton